

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY af D.C.

05 JUN 24 PM 12:30

ROBERT H. DETROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

BETTY JONES,)	
)	
Plaintiff,)	
)	
vs.)	No. 04-3052
)	
MEDEGEN MEDICAL PRODUCTS, LLC,)	
)	
Defendant.)	

ORDER AWARDING ATTORNEY FEES AND EXPENSES TO DEFENDANT
FOR A PORTION OF THE AMOUNTS INCURRED IN PREPARING AND FILING
DEFENDANT'S MOTION TO COMPEL

Before the court is the Affidavit of Cary Schwimmer, filed on June 7, 2005, in compliance with the court's May 24, 2005 order granting defendant's motion to compel and awarding attorney's fees and expenses. Plaintiff filed her objections to the affidavit on June 23, 2005.

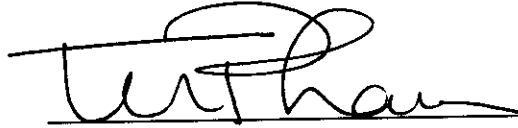
The affidavit sets forth the nature of legal services rendered on behalf of the defendant by Schwimmer and a Legal Research Specialist in preparing and filing the motion to compel, the total amount of time spent, the hourly rates charged by each, and the total amount of \$1,184.00 incurred as fees and expenses.

Although the court has no reason to doubt the accuracy of these fees and expenses, under the circumstances of this case, the court will reduce the award to make it just. See Fed. R. Civ. P. 37(a)(4)(A). The court will award 50% of the total amount claimed

as fees and expenses.

IT IS THEREFORE ORDERED, pursuant to Federal Rule of Civil Procedure 37(a)(4)(A), that the plaintiff pay the defendant the total sum of \$592.00, within thirty days of the date of this order, for a portion of the attorney's fees and expenses incurred in preparing defendant's motion to compel.

IT IS SO ORDERED.



TU M. PHAM
United States Magistrate Judge

Date: June 24, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 13 in case 2:04-CV-03052 was distributed by fax, mail, or direct printing on June 27, 2005 to the parties listed.

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Cary Schwimmer
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Memphis, TN 38125

Honorable Jon McCalla
US DISTRICT COURT